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Testimony

Hearing on

"The United Nations Commission on Human Rights: Protector or Accomplice?"

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The United Nations Commission on Human Rights: Protector or Accomplice?"

I want to thank Sub-Committee Chairman, Congressman Christopher Smith, for inviting me to testify today on Human Rights and United Nations reform. The work of this Congressional Committee is important and the topic of today's hearing deserves careful consideration. I hope that my observations can help you in your work.

Human rights matter. They are not values of convenience nor are they merely a fashion of the day. Human rights are inherent, self-evident and transcendent. They are fundamental to what it means to be a human being and working to protect human rights – every man, woman and child's basic human rights – is a noble cause and amongst the foremost responsibilities of government.

Human Rights

Human rights are grounded on the recognition that every human being has "inherent dignity and worth." As Ronald Dworkin has written, "We almost all accept… that human life in all its forms is sacred… For some of us, this is a matter of religious faith, for others, of secular but deep philosophical belief."[1] For me, it is part of my religious faith.[2] But whether the recognition that every human being is "inviolable" and has "inherent dignity" derives from religious faith or philosophical constructs, it compels certain fundamental moral limits on us individually and collectively. It demands that there are things that ought not be done to any human being. And there are things that ought to be done for any human being. Among other requirements, we have a responsibility to give voice to the voiceless victims of human rights abuse and stand for the values we cherish as best we can.[3] No one and no society is faultless. Mistakes are made. But we have an obligation and an opportunity to strive to be faithful to our values and to act so as to project those values as best we are able under the circumstances.

Human rights are not the sole consideration of U.S. foreign policy nor should they be, but neither can human rights be irrelevant.[4] Human rights are fundamental to who we are and human rights properly should animate our actions individually and as a nation. Respecting human rights and defending those values are the right thing to do and it is in our self-interest to do so. Countries that respect human rights under the rule of law are more stable and more prosperous. Spreading democracy and liberty makes the world safer. Democratic nations are less likely to begin armed conflicts. And democratic nations create an environment of opportunity inhospitable to the frustration and fanaticism that breeds terrorists.

The recognition of the inherent dignity of all mankind leads to the acceptance of limits on what we can do. The idea of human rights as enshrined in the United Nations Universal Declaration on Human Rights and other international documents embraces this recognition and seeks to enumerate the rights of all human beings and prescribe the limits of acceptable behavior. And while a broad consensus may be achieved on the ideals contained in such documents, it is less easy to act in strict accordance with such guidelines. And it is harder still to act to condemned such violations and remedy injustices. Furthermore, whether the case be Rwanda,

Bosnia, Kosovo or Darfur, man's capacity for inhumanity and terrible transgressions too frequently are revealed and the international community's willingness to act to stop such crimes against humanity too often is anemic.[5]

The American idea is grounded on principles of human rights. As former Secretary of State George Shultz once said, "What unifies us is not a common origin but a common set of ideals: freedom, constitutional democracy, racial and religious tolerance. We Americans thus define ourselves not by where we come from but by where we are headed: our goals, our values, our principles, which make the kind of society we strive to create."[6]

The concern for human rights is interwoven in the national experience and our beliefs as Americans. It is what has differentiated the United States from so many other nations in history. It is fundamental to our character and our values.

Ronald Reagan understood the transcending importance of the American idea, of values, and human rights. At the height of the Cold War when he had labeled the Soviet Union "an evil empire", President Reagan delivered an address at Westminster Hall, London, in which he said, "The ultimate determination in the struggle now going on for the world will not be bombs and rockets, but a test of wills and ideas – a trial of spiritual resolve: the values we hold and the beliefs we cherish, the ideals to which we are dedicated… the great civilized ideas: individual liberty, representative government, and the rules of law under God."[7]

We won the great struggle of the 20th century. Freedom and democracy prevailed over totalitarian communism.

But the struggle for freedom is not over. Brutal authoritarian states continue to enslave people around the world. Basic human rights and personal dignity continue to be denied. This is wrong. Furthermore, these harsh conditions can give root to the frustration and despair that breeds terrorists who lash out at the United States in desperate acts of violence.

Just enumerating the rights of man is not enough. We must act to advance them. It is our responsibility and our opportunity. As President Woodrow Wilson said 91 years ago, "Liberty does not consist in mere declaration of the rights of man. It consists in the translation of those declarations into definite actions."[8]

Democracy

Self-determination is a fundamental human right recognized in the Universal Declaration on Human Rights[9] and by common sense. Furthermore, democracy is the best way to secure sustainable respect for human rights. It is a rampart against state encroachment on individual rights and liberties. As President Bush has said, "[D]emocracy is the surest way to build a society of justice. The best way to prevent corruption and abuse of power is to hold rulers accountable. The best way to insure fairness to all is to establish the rule of law. The best way to honor human dignity is to protect human rights."[10]

Democratic governments around the world do not have identical institutions nor procedures. The particularities will vary from place to place, adopting to history and culture.[11] But all true democracies share certain common characteristics.

Democracy is more than the mechanics of popular elections. A democratic process includes effective participation, equality of voting, an effective opportunity to learn about the alternatives about which one is voting, an open agenda and universal suffrage.[12] Democracy depends on freedom of expression, civil society and the right to dissent.[13] Democracy helps to prevent government by abusive autocracies.[14] Rights are essential building blocks of a democratic process of government so a system of rights are inherent in democratic institutions. Freedoms and opportunities are required for a government to be democratic. Democracy helps people to protect their own interests.[15]

As John Stuart Mill wrote, "[T]he rights and interests of every or any person we secure from being disregarded when the person is himself able, and habitually disposed, to stand up for them… Human beings are only secure from evil at the hands of others in proportion as they have the power of being, and are, self-protecting."[16] Or, as Dr. Kirkpatrick has said, "The reason that popular governments protect human rights best is that people do not impose tyrants upon themselves. Tyrants impose themselves upon people."[17]

If one can participate in determining one's government through a democratic process, you can protect one's interests and rights from abuse by government. Democratic governments give people the opportunity to live under laws of their own choosing. Democratic government provides the opportunity for exercising moral responsibility. Democracy allows human development. Democratic government fosters greater political equality.

The march of freedom is indivisible from the advance of human rights.[18] The spread of democracy is part of the promotion and sustainability of human rights. The spread of democracy deserves our support; it requires our assistance. Our good faith should be buttressed by our actions. As President George W. Bush has said, "The progress of liberty is a powerful trend. Yet, we also know that liberty, if not defended, can be lost. The success of freedom is not determined by some dialectic of history. By definition, the success of freedom rests upon the choices and the courage of free people."[19]

The United Nations

The United Nations has made important contributions to human rights. The horrors of World War II spurred the world community to advance human rights. Among other things, from the ashes of war the United States led the world community to found the United Nations. The U.N. Charter embraces two overriding goals, "to save succeeding generations from the scourge of war" and "to reaffirm faith in fundamental human rights."[20] The words "promoting and encouraging respect for human rights and fundamental freedoms" appear, with slight variations, throughout the U.N. Charter.

As Secretary of State George Marshall observed in remarks before the opening session of the United Nations General Assembly in Paris in 1948, "Systematic and deliberate denials of basic human rights lie at the root of most of our trouble and threaten the work of the United Nations. It is not only fundamentally wrong that millions of men and women live in daily terror of secret police, subject to seizure, imprisonment or forced labor without just cause and without

fair trial, but these wrongs have repercussions in the community of nations. Governments which systematically disregard the rights of their own people are not likely to respect the rights of other nations and other people and are likely to seek their objectives by coercion and force in the international field."[21]

But how the general human rights rhetoric in the U.N. Charter might be translated into action was far from clear.

The seminal document in the United Nations pertaining to human rights is the Universal Declaration of Human Rights that was adopted in 1948. The difficult and painstakingly drafting took place in 1947 and 1948.[22]

Eleanor Roosevelt chaired the drafting committee.[23]

The Declaration has a preamble and 30 articles that set forth the human rights and fundamental freedoms to which everyone, everywhere in the world, is entitled. The strongest terms of the Declaration faithfully embrace the values and civil liberties contained in our own Declaration of Independence and Constitution.

While not perfect, the U.N. Universal Declaration of Human Rights was the product of hard work well done. It established important norms on human rights, proclaimed them universal, and called upon all nations to honor and protect them. While not the final resolution of human rights abuses, as William Schulz, Executive Director of Amnesty International USA has written, "The mere articulation of such rights and their near universal acclamation was a formidable achievement."[24]

THE DECLARATION'S IMPACT

Quite properly, many people point out that the world falls short of attaining the Declaration's high aspirations. In fact, in some parts of the world these basic human rights are trampled daily and the people brutalized. Critics charge that these facts not only reveal the hypocrisy and corruption of the United Nations and many of its member states, but also expose the U.N. Universal Declaration of Human Rights as a hollow and meaningless document. I disagree.

As Professor Mary Ann Glendon points out in her excellent book, *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights*:

> [T]he State Department explained the U.S. view of the Declaration's nature and purpose by referring to what Abraham Lincoln had said about the assertion of human equality in the Declaration of Independence:
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> 'They (the drafters) did not mean to assert the obvious untruth, that all were then actually enjoying that equality, nor yet, that they were about to confer it immediately upon them. Indeed they had no power to confer such a boon. They meant simply to declare the

> right so that the enforcement of it might follow as fast as circumstances should permit.
>
> 'They meant to set up a standard maxim for free society which should be familiar to all: constantly looked to, constantly labored for, and thereby spreading and deepening its influence and augmenting the happiness and value of life to all people, of all colors, everywhere.[25]

Similarly, prior to the adoption of the U.N. Declaration of Human Rights, Eleanor Roosevelt wrote.

> In the first place, we have put into words some inherent rights. Beyond that, we have found that the conditions of our contemporary world require the enumeration of certain protections which the individual must have if he is to acquire a sense of security and dignity in his own person. The effect of this is frankly educational. Indeed, I like to think that the Declaration will help forward very largely the education of the people of the world.[26]

As the U.N. General Assembly neared its final vote on the Declaration, Eleanor Roosevelt as Chairman of the Commission on Human Rights said,

> In giving our approval to the declaration today, it is of primary importance to keep clearly in mind the basic character of the document. It is not a treaty; it is not an international agreement. It is not and does not purport to be a statement of law or of legal obligation. It is a declaration of basic principles of human rights and freedoms, to be stamped with the approval of the General Assembly by formed votes of its members, and to save as a common standard of achievement for all people of all nations.[27]

Indeed, "Eleanor Roosevelt expressly campaigned for United States support by arguing that the Declaration would not be legally binding."[28] It stood as a document of basic enumerated rights that's power was in its moral persuasion publicly exercised. It outlined a "common standard of achievement" to which to aspire and it has become the cornerstone of today's international human rights regime. It is the yardstick by which all country's respect for, and compliance with, international human rights standards are measured.

As former Congressman, Father Robert Drinan has written, "The establishment of a catalog of internationally recognized human rights for the first time in the history of the world is a monumental achievement in itself, apart from the enforceability of such rights."[29]

Today the principles set forth in the Declaration have inculcated the modern world; its culture and its politics. No U.N. action before or since has had as profound an effect on contemporary thinking and the lives of as many people throughout the world. As U.N. Secretary General Kofi Annan has written, "The end of the Cold War, the World Conference on Human Rights in Vienna in 1993, and the inception of the United Nations High Commissioner for

Human Rights later that year have opened up new avenues for the United Nations to make its work in human rights more meaningful to people throughout the world." But the foundation for that effort is the U.N. Universal Declaration on Human Rights and the principles therein embraced.

The U.N. Commission on Human Rights

Unfortunately, the United Nations Commission on Human Rights often has failed to effectively advance human rights and often has failed to give voice to human rights victims voiceless in their own land. The deteriorating situation is cause for grave concern.

Earlier this month in an address to the U.N. Commission on Human Rights, Secretary-General Kofi Annan stated, "[O]ur responsibility under the Charter is clear: we must do more to promote and protect fundamental rights and freedoms. …[U]nless we re-make our human rights machinery, we may be unable to renew public confidence in the United Nations."[30]

Last year I served as Ambassador and United States Representative to the U.N. Commission on Human Rights in Geneva. It was an enlightening, if not uplifting, experience. While we successfully pursued resolutions bringing to account the repressive regimes that are denying human rights in North Korea, Cuba, and Burma; we failed to pass important resolutions on the oppressive human rights situation in Zimbabwe, China and elsewhere. It was disheartening to our delegation. It was devastating for those many victims who are denied their inherent human rights in their own lands. It demonstrated structural weaknesses and failures of the Commission on Human Rights. And, unfortunately, it was business as usual at the Commission.

The fact is that repressive regimes seek seats in the 53 member U.N. Commission on Human Rights in order to protect themselves. For example, among the members of the 2005 Commission now sitting in Geneva are such human rights abusers as Cuba, Sudan and Zimbabwe. They form an axes of the repressors, who bind together to try to protect one another. They seek out other delegations concerned about what would be revealed by scrutiny of their own human rights records. They form a powerful bloc within the UNCHR that effectively stops efforts to "name and shame" many repressive regimes. As a senior European diplomat said, "Countries don't want to be named. They want to protect their interests, so they band together."[31]

The United States Ambassador to the U.N. in Geneva, Kevin Moley, an effective diplomat with whom I've had the pleasure of working, is quoted as having said, "The inmates are very close to being in charge of the asylum."[32]

Unfortunately, this group of repressive regimes often receives support even from some of our European friends, who hold human rights in high regard. But they are hesitant to call out abusers. *New York Times* reporter Richard Bernstein reports, "[T]he view is that the U.S. eagerness for what the Europeans call 'name and shame' resolutions might be psychologically satisfying, but they don't bring human rights improvements."[33] I disagree.

The collapse of the Soviet empire and the rush to freedom of central and eastern Europe was instructive on many fronts. Among the lessons we should have learned is that many dissidents behind the Iron Curtain took comfort and subsidence from public expressions by the West that they knew injustices were being committed under communism, they condemned them, and they called for them to end. It was a critical contribution to sustaining the flame of freedom even in the darkest days of Soviet denial and tyranny. As Natan Sharansky has stated, "During my long journey through the world of evil, I had discovered three sources of power: the power of an individual's inner freedom, the power of a free society, and the power of the solidarity of the free world."[34] The free world must stand in solidarity for the values that underpin our just societies. And we must give voice to the human rights victims voiceless in their own lands. That is our responsibility and our opportunity.

The failure of the U.N. Commission on Human Rights to rebuke repressive regimes gives aid and comfort to the repressors. It breaks faith with human rights champions who confront considerable, sometimes unimaginable, hardships at home. It tarnishes the values to which we claim to subscribe. And it diminishes those institutions entrusted to advance human rights, among them the United Nations Commission on Human Rights.

Also, as in earlier years, last spring the Commission on Human Rights was exploited by some in their relentless campaign to delegitimize Israel, the oldest democracy in the Middle East. While all other country specific concerns are lumped together under UNCHER agenda item 9, Israel is singled out with its own, separate agenda item. The excessive, invective rhetoric assaulting Israel is numbing. The one-sided resolutions are scandalous. No nation is blameless. All countries should be vigilant to improve their own human rights records. But the singling out of Israel in this manner reveals more about the double standards and abuse within the U.N. system than it does about alleged human rights failures by the state of Israel.

A further very troubling development last year in the U.N. Commission on Human Rights was the failure of member states to pass a robust resolution on the situation in Darfur. Today the situation in Sudan is the worst humanitarian crisis in the world. Last spring the ethnic cleansing was well underway, and was well known. Nonetheless, the members of the UNCHR lacked the will to condemn the atrocities.

By last spring President Bush had spoken out loudly and clearly, calling on the Sudanese Government to stop the atrocities in Darfur. It was known that a pattern of planned and willful mass slaughter and forced displacement was taking place. The Sudan Government had armed the Arab militias known as Janjaweed. They had coordinated attacks on black villages, killing males from young boys to old men, raping and branding women, killing livestock, burning huts and driving black Africans from their homes. At the time an estimated 30,000 already had been killed and nearly a million people had been displaced.

Nonetheless, the Commission on Human Rights member states, including Europeans, went along with a weak "President's Statement" on the situation in Darfur. Not surprisingly, Khartoum took this as a signal that the international community did not care much about the atrocities. So they continued. Today estimates are that 200,000 have been killed and nearly 2 million people have been driven from their homes. President Bush quite properly has called the atrocities in Darfur genocide.

Many question the value of a Commission on Human Rights that lacks the resolve to condemn ethnic cleansing. A crisis of confidence has developed. What can be done?

Next Steps

Secretary-General Kofi Annan has said, "Human rights are the core of the United Nations' identity. Men and women everywhere expect us to uphold universal ideals. They need us to be their ally and protector. They want to believe we can help unmask bigotry and defend the rights of the weak and voiceless. …But the gap between what we seem to promise, and what we actually deliver, has grown. The answer is not to draw back from an ambitious human rights agenda, but to make the improvements that will enable our machinery to live up to the world's expectations."[35]

The Secretary-General convened a High Level Panel to consider the entire spectrum of United Nations activities and offer reform proposals. The High Level Panel made many recommendations that warrant careful consideration such as a useful definition of terrorism and support for a democracy fund. However, the Panel's suggestion to "universalize" the UNCHR is ill-advised. If the UNCHR were to enlarge to all 191 U.N. member states it would have the same composition as the U.N. General Assembly. I suspect it would then have all the effectiveness and credibility of the General Assembly, which is to say, not much at all.

Secretary-General Annan drew from the High Level Panel's report in crafting his own reform proposals in his report, "In larger Freedom Towards Development, Security and Human Rights for All." The Secretary-General recommends replacing the Commission of 53 members with a smaller Human Rights Council of 19 members. Rather than meeting for six weeks each year in the spring, he suggests the new Human Rights Council be a standing body. Rather than selection through the regional blocs with a General Assembly ratification by a simple majority, the Secretary-General proposes members to the new Council be limited to countries with solid human rights records and be elected by a two-thirds majority of the General Assembly. This proposed Human Rights Council would review periodically the human rights record of every nation. And the Council would be available to convene on short notice to deal with urgent crisis or gross violations of human rights.

Among the intents of the Secretary-General's proposals is to limit or even eliminate repressive regimes from membership on the Human Rights Council. This is a proper goal. However, given the influence of regional blocs, the political give and take, and general horse trading in the U.N., I am skeptical that this objective will be realized.

Also having served as Ambassador to the United Nations for Special Political Affairs, I have sat through more Security Council meetings than I care to remember. This venue also was designed to meet only as required. Yet in a generation, its meeting frequency has grown from a couple of dozen times a year to over 200 sessions each year. Most are mind-numbingly routine, formalistic and, too often, of marginal value. I foresee this possibility for the proposed Human Rights Council.

The United Nations, its membership, structures and procedures has many purposes. It is an institution that in many ways is very useful to the United States, our values and interests. But

it also has challenges. Among them is that while the right to "self-determination" is recognized in the U.N. Charter and the Universal Declaration on Human Rights, many U.N. members are not democracies even in form, let alone in actual practice. Consequently, many U.N. member states do not recognize, let alone practice a form of government that respects the fundamental rights of their people. Nonetheless, undemocratic states have equal standing in the United Nations with those that, while imperfect, nonetheless have vibrant democracies, strong rule of law, and real human rights protections.

That does not mean that we should not engage the United Nations in the area of human rights. We should. But it does mean that we engage the U.N. with our eyes open. We work the issues. And we recognize that while we constantly should seek to improve "U.N. machinery" in the area of human rights and elsewhere, that it will remain an imperfect venue.

The United Nations provides a platform for repressive regimes to have equal standing with the free. It provides venues for oppressors to advance their interests just as it does for those of us that embrace human rights and seek to spread freedom. It is an intensely political arena in which the United States must work tirelessly to champion the values we cherish and to advance the cause of freedom. But, unfortunately, at this time when too many authoritarian and brutal governments sit at the U.N. table, whatever the machinery and whatever the procedures, there will continue to be fundamental clashes in the U.N. on human rights. We should accept this challenge. The victims of human rights abuse are counting on us. And we know that our cause is just and it will prevail.

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[1]. Ronald Dworkin, "Life is Sacred: That's the Easy Part," *New York Times Magazine*, May 16, 1993, p. 36.

"America's founders began with the premise that man had been created in the image of God and that all were of equal worth and endowed with unalienable rights. In founding the modern world's first democracy, they set out to create a system that would follow this premise and that would suit human nature as they understood it." Joshua Muravchik, *Exporting Democracy: Fulfilling America's Destiny* (Washington, D.C.; The AEI Press; 1991), p. 1.

[2]. "The essence of all morality is this: to believe that every human being is of infinite importance and therefore that no consideration of expediency can justify the oppression of one by another. But to believe this it is necessary to believe in God." R. H. Tawney, J. M. Winter and D. M. Joslin, eds., *R. H. Tawney's Commonplace Book*, 67 (1972); as quoted in Michael J. Perry, *The Idea of Human Rights: Four Inquiries* (New York, N.Y.; Oxford University Press, 1998), p. 11. Professor Perry's volume provides an excellent exploration of whether the idea of Human Rights is ineliminably religious.

"It is often stressed that the idea of human rights is of recent origin, and that this is enough to dismiss its claims to timeless validity. In its contemporary form, the doctrine is certainly new, though it is arguable that it is a modern version of the natural law theory, whose origins we can trace back at least to the Stoic philosophers and, of course, to the Judaic and Christian sources of European culture. There is no substantial difference between proclaiming "the right to life" and stating that natural law forbids killing. Much as the concept may have been elaborated in the philosophy of the Enlightenment in its conflict with Christianity, the notion of the immutable rights of individuals goes back to the Christian belief in the autonomous status and irreplaceable value of the human personality." Leszek Kolakowski, *Modernity on Endless Trial*, 214 (1990), as quoted in Michael J. Perry, *ibid*., p. 3. See also, Micheline R. Ishey, *The History of Human Rights: From Ancient Times to the Globalization Era* (Berkeley, California; University of California Press; 2004).

[3]. For a powerful testament to the importance of giving voice to victims of human rights abuses voiceless in their own land see the book by former Soviet dissident Natan Sharansky, *ibid*. See also, Andrei Sakharov, *Memoirs*

(New York, N.Y.; Alfred A. Knopf; 1990); and Robert F. Drinan, *The Mobilization of Shame: A World View of Human Rights* (New Haven, Connecticut; Yale University Press; 2001).

[4]. There is a considerable body of work examining United States efforts to execute an effective human rights policy. Sometimes U.S. foreign policy has been successful, sometimes it has not. See generally, Debra Liang-Fenton, ed., *Implementing U.S. Human Rights Policy* (Washington, D.C.; United States Institute of Peace Press; 2004); John Shattuck, *Freedom on Fire: Human Rights Wars and America's* Response (Cambridge, Massachusetts; Harvard University Press; 2003); David P. Forsythe, *Human Rights and U.S. Foreign Policy: Congress Reconsidered* (Gainesville, Florida; University Presses of Florida; 1988); Julie A. Mertus, *Bait and Switch: Human Rights and U.S. Foreign Policy* (New York, N.Y.; Routledge, 2003); David A. Forsythe, *The United States and Human Rights: Looking Inward and Outward* (Lincoln, Nebraska; University of Nebraska Press, 2000); and Tony Evans, *U.S. Hegemony and the Project of Universal Human Rights* (New York, N.Y.; St. Martin's Press; 1996). See also, Eliot Abrams, ed., *Honor Among Nations: Intangible Interests and Foreign Policy* (Washington, D.C.; Ethics and Policy Center; 1998). See also, Leslie H. Gelb and Justine A. Rosenthal, "The Rise of Ethics in Foreign Policy: Reaching a Values Consensus, *Foreign Affairs* (May/June 2003), Vol. 82, No. 3, pp. 2-7, in which the argue that "morality, values, ethics, universal principles," recently have taken on greater centrality in U.S. foreign policy.

[5]. Tragically, the failures of the international community to act forcefully to stop the genocide in Darfur is not the first such failure. For example, see Romeo Dallaire, *Shake Hands With The Devil: The Failure of Humanity in Rwanda* (Toronto, Canada; Random House Canada; 2003). See also, Linda Melvern, *A People Betrayed: The Role of The West in Rwanda's Genocide* (London; Zed Books, 2000); Samantha Powers, *A Problem from Hell: America and the Age of Genocide* (New York, N.Y.; Basic Books; 2002); Philip Gourevitch, *We Wish To Inform You That Tomorrow We will Be Killed With Our Families: Stories from Rwanda* (London; Picador; 1999); Michael Barnett, *Eyewitness to a Genocide: The U.N. and Rwanda* (Ithaca, N.Y.; Cornell University Press; 2002); and Alan J. Kuperman, *The Limits of Humanitarian Intervention: Genocide in Rwanda* (Washington, D.C.; Brookings Institute; 2001). Regarding the ethnic cleansing in Bosnia, see Thomas Cushman and Stjepan Mestrovic, eds., *This Time We Knew: Western Responses to Genocide in Bosnia* (New York, N.Y.; New York University Press; 1996).

[6]. George P. Shultz, "Human Rights and the Moral Dimension of U.S. Foreign Policy," an address at the 86th Annual Washington Day Banquet at the Creve Coeur Club of Peoria, Illinois, February 22, 1984, published as Current Policy No. 551 by the United States Department of State Bureau of Public Affairs, Washington, D.C., 1984.

[7]. Ronald Reagan, Address to the British Parliament, London, England, June 8, 1982. George P. Shultz, Secretary of State for most of the Reagan presidency stated in 1984, "[M]oral values and a commitment to human dignity have been not an appendage to our foreign policy but an essential part of it, and a powerful impulse driving it… There should be no doubt of President Reagan's approach – not isolation or guilt or paralysis but, on the contrary, a commitment to active engagement, confidently working for our values, as well as our interests in the real world, acting proudly as the champion of freedom." Shultz, *ibid*.

[8]. Woodrow Wilson, Address, July 4, 1914.

[9]. For an excellent examination of the difficult process of drafting the Universal Declaration of Human Rights, see Mary Ann Glendon, *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights* (New York, N.Y.; Random House; 2001).

[10]. Remarks by President George W. Bush, Istanbul, Turkey, June 29, 2004.

[11]. See, generally, Arend Lijphart, *Patterns of Democracy: Government Forms and Performance in Thirty-Six Countries* (New Haven, Conn.; Yale University Press; 1999). See also Larry Diamond, Juan J. Linz, and Seymour Martin Lipset, eds., *Democracy in Developing Countries: Asia* (Boulder, Colo.; Lynne Rienner; 1989); Larry Diamond, Juan J. Linz, and Seymour Martin Lipset, eds., *Democracy in Developing Countries: Latin America* (Boulder, Colo.; Lynne Rienner; 1989); Larry Diamond, Juan J. Linz,, and Seymour Martin Lipset, eds., *Democracy in Developing Countries: Africa* (Boulder, Colo.; Lynne Rienner; 1988); Jorge I. Dominguez and Abraham F. Lowenthal, eds., *Constructing Democratic Governance: Mexico, Central America, and the Caribbean in the 1990's* (Baltimore, Md.; John Hopkins University Press; 1996); David Beetham, ed., *Defining and Measuring Democracy*

(London, U.K.; Sage Publishers; 1994); Alex Inkeles, ed., (New Brunswick, N. J.; Transaction Press; 1991); and Tatu Vanhanen, *The Process of Democratization: A Comparative Study of 147 States* (New York, N.Y.; Crane Russak; 1990).

[12]. See, Robert A. Dahl, *On Democracy* (New Haven, Conn.; Yale University Press; 1998), p. 37-43.

As Fared Zakaria has written, "[D]emocracy means liberal democracy: a political system marked not only by free and fair elections but also by the rule of law, a separation of powers, and the protection of basic liberties of speech, assembly, religion, and property… [it] is not about the procedures for selecting government but, rather, government's goals. It refers to the tradition… that seeks to protect an individual's autonomy and dignity against coercion, whatever the source – state, church, or society… It places the rule of law at the center of politics. Fared Zakaria, *The Future of Freedom* (New York, N.Y.; W.W. Norton and Co.; 2003), p. 17 and 19.

[13]. See, Seymour Martin Lipset and Jason M. Larkin, *The Democratic Century* (Norman, Oklahoma; University of Oklahoma Press, 2004) in which a lively comparative analysis of democracy is presented including "how institutions that constitute democracy interact with one another, how political parties develop in new democracies, (and) why the quality of civil societies matters more than the mere existence of civil associations."

See also, Morton H. Halperin, "Democracy and Human Rights: An Argument for Convergence," in Samantha Power and Graham Allison, *Realizing Human Rights: Moving From Inspiration to Impact* (New York, N.Y.; St. Martin's Press; 2000), pp. 249-263.

[14]. "We believe that the rights of individuals are most effectively promoted and expanded by and through democratic political institutions – where governments are elected through periodic competitive elections, elections that feature freedom to criticize government, to publish criticisms, to organize opposition and compete for power. Human rights violations may occur even in such systems, but they are relatively few and readily corrected." Jeane J. Kirkpatrick, *Legitimacy and Force: Political and Moral Dimensions* (New Brunswick, N.J.; Transaction Books, 1988), p. 85.

[15]. "There are, however, essential principles common to every successful society, in every culture. Successful societies limit the power of the state and the power of the military – so that governments respond to the will of the people, and not the will of an elite. Successful societies protect freedom with the consistent and impartial rule of law, instead of selecting applying the law to punish political opponents. Successful societies allow room for healthy civic institutions – for political parties and labor unions and independent newspapers and broadcast media. Successful societies guarantee religious liberty – the right to serve and honor God without fear of persecution. Successful societies privatize their economies, and secure the rights of property. They prohibit and punish official corruption, and invest in the health and education of their people. They recognize the rights of women. And instead of directing hatred and resentment against others, successful societies appeal to the hopes of their own people. "President George W. Bush, Freedom in Iraq and Middle East, Remarks at the 20th Anniversary of the National Endowment for Democracy, United States Chamber of Commerce, Washington, D.C., November 6, 2003.

[16]. John Stuart Mill, *Considerations of Representative Government* (1861) (New York, N.Y.; Liberal Arts Press; 1958), p. 55.

[17]. Jeane J. Kirkpatrick, *ibid*., p. 85.

[18]. While there are some who question whether all people in all cultures seek freedom and can embrace and sustain democracy, the march of freedom in Indonesia, Georgia, Afghanistan and Ukraine suggest otherwise. For a thoughtful exploration of this issue see, Michael Novak, *The Universal Hunger For Liberty: Why the Crash of Civilizations Is Not Inevitable* (New York, N.Y.; Basic Books; 2004). And for an interesting exploration of whether the recent wave of democracy can be sustained, see Larry Diamond and Marc F. Plattner, eds., *The Global Resurgence of Democracy* (Second Edition), (Baltimore, Md.; John Hopkins University Press; 1996).

[19]. President George W. Bush, Address to the National Endowment for Democracy, Washington, D.C., November 6, 2003.

[20]. Footnote 24/The Universal Declaration of Human Rights.

[21]. U.S. Department of State, *Bulletin*, Vol. 19, October 3, 1948), p. 932. For an excellent history of the deliberations and politics of the founding of the U.N., see Stephen C. Schlesinger, *Act of Creation: The Founding of the United Nations* (Boulder, Colorado; Westview Press; 2003). "The importance of that war (World War II) resulted in the widespread conviction that effective international protection of human rights was one of the essential conditions of international peace and progress, and this conviction was set out in a number of statements, declarations and proposals made while the war was still being fought." *The United Nations and Human Rights*, (New York, New York; United Nations, 1984), p. 1.

[22] Cuba and Panama introduced proposals for the preparation of a bill of rights at the first U.N. General Assembly in 1945. In the end the General Assembly transmitted the Panamanian proposal to the Economic and Social Council for consideration by the Commission on Human Rights.

[23]. Among the other able public figures on the committee were Peng-chun Chang, a Chinese philosopher and playwright, Rene Cassin, a French Resistance leader, Charles Malik, a Lebanese philosopher, and Carlos Romulo, a Philippean who had won a Pulitzer Prize in 1941. Other nations represented on the drafting committee were Australia, Chile, the Soviet Union and the United Kingdom.

[24] William F. Schulz, *In Our Own Best Interest: How Defending Human Rights Benefits Us All* (Boston Massachusetts; Beacon Press; 2001), p. 4.

[25] Mary Ann Glendon, *ibid*., p. 236.

[26] *Ibid*.

[27] U.S. Department of State, *Bulletin*, Vol. 19 (December 19, 1948), p. 751.

[28] Howard Tolley, Jr., *ibid*., p. 23.

[29] Robert F. Drinan, S.J., *ibid*., p. ix.

[30]. Secretary-General Kofi Annan, Address to the U.N. Commission on Human Rights, Geneva, Switzerland, April 7, 2005. See also, Mark Turner, "U.N. Overhaul: Annan Confronts Human Rights Commission With Call to Disband and Reform," *Financial Times*, April 8, 2005.

[31]. Richard Bernstein, "Are the Foxes Guarding Human Rights at U.N.,?" *International Herald Tribune*, April 1, 2005.

[32]. *Ibid*.

[33]. *Ibid*.

[34]. Natan Sharansky, *The Case for Democracy: The Power of Freedom to Overcome Tyranny and Terror* (New York, N.Y.; Public Affairs, 2004), p. xi.

[35]. Kofi Annan, *ibid*.